

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) CASE NO. 2:05-CV-357-WKW
) (WO)
ONE PARCEL OF PROPERTY)
LOCATED AT 916 COUNTY ROAD 8,)
JEMISON, CHILTON COUNTY,)
ALABAMA, WITH ALL)
APPURTEANCES AND)
IMPROVEMENTS THEREON,)
)
Defendant.)

DECREE OF FORFEITURE

On April 15, 2005, a Verified Complaint for Forfeiture In Rem against the Defendant Property located at 916 County Road 8, Jemison, Chilton County, Alabama, with all appurtenances and attachments thereon (hereinafter, "Defendant property"), was filed on behalf of the United States of America. The Complaint alleges that the Defendant property was used or intended to be used to in any manner or part, to commit, or to facilitate the commission of a violation of Title 21, United States Code, Section 841 et seq.; and, therefore, it is subject to forfeiture to the United States in accordance with Title 21, United States Code, Section 881(a)(7).

It appearing that process was fully issued in this action and returned according to law;
That pursuant to an Order of Notice In Rem issued by this Court, the United States Marshals Service for the Middle District of Alabama posted a copy of the Notice of Complaint of Forfeiture and Summons on the Defendant property on June 15, 2005;

That notice of this action was published in the Montgomery Advertiser newspaper on May 12, 19, and 26, 2005;

That notice of this action was published in the Clanton Advertiser newspaper on June 29, July 6 and 13, 2005;

That on July 19, 2005, Elizabeth Mitchell was personally served by the United States Marshals Service with a copy of the Verified Complaint for Forfeiture In Rem and the Order of Notice In Rem;

That on July 6, 2005, Richard Anderson accepted service on behalf of MERS, Inc. as Nominee for Realty Mortgage Corporation from the United States Marshals Service with a copy of the Verified Complaint for Forfeiture In Rem and Warrant and Order of Notice In Rem;

That on July 15, 2005, Charles Mitchell filed Notice of Claim by Innocent Party and an Answer to the Complaint;

That on July 29, 2005, Elizabeth Mitchell filed Notice of Claim by Ownership and that on August 8, 2005, Elizabeth Mitchell filed an Answer to the Complaint;

That on August 8, 2005, the United States filed a Motion for Interlocutory Sale;

That on August 8, 2005, the Court issued an Order granting the United States' Motion for Interlocutory Sale;

That on August 17, 2005, MERS, Inc. as nominee for Realty Mortgage Corporation filed an Answer to Verified Complaint;

That on September 13, 2005, MERS, Inc. as nominee for Realty Mortgage Corporation filed a Notice of Satisfaction of Claim;

That on May 2, 2006, the United States and Claimants Elizabeth Mitchell and Charles Mitchell entered into a Stipulation for Compromise Settlement in which Claimants Elizabeth Mitchell and Charles Mitchell consented to the entry of a Decree of Forfeiture forfeiting one-half of the proceeds of the interlocutory sale of the Defendant property to the United States. The United States agreed to release one-half of the proceeds of the interlocutory sale of the Defendant property to the attorney for Elizabeth Mitchell, Jeffery C. Duffey, Esq.; and,

That no other claim or answer has been filed on behalf of any other party.

Now, therefore, on motion of the United States of America for a Decree of Forfeiture, and for good cause otherwise shown, it is hereby ORDERED, ADJUDGED, AND DECREED:

That one-half of the proceeds of the interlocutory sale of the Defendant property is forfeited to the United States and no right, title or interest in this portion of the proceeds of the interlocutory sale of the Defendant property shall exist in any other party and the same shall be disposed of according to law;

That the United States is to release one-half of the proceeds of the interlocutory sale of the Defendant property to Jeffery C. Duffey, attorney for Elizabeth Mitchell.

DONE this the 3rd day of May, 2006.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE